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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,500	09/30/1999	GLEN J. ANDERSON	450.282US1	5455

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EXAMINER

MCCHESENEY, ELIZABETH A

ART UNIT PAPER NUMBER

2644

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,500

Applicant(s)

ANDERSON, GLEN J.

Examiner

Elizabeth A McChesney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-14, 16, 18-28 and 31 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 15, 17, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 3-4, 6-7, 9-11, 13-14, 16, 18-28 and 31** is rejected under 35 U.S.C. 102(e) as being anticipated by Berstis et al. (US Patent No. 5,903,206).

Regarding **claim 1**, Berstis et al. (hereinafter, "Berstis") discloses a data processing system with a built in audio capability for providing audio setup and instructions (abstract). Berstis further discloses a data processing system 102, which includes a processor 204, speaker 224 and memory, which contains the audio set up instructions (col. 6-lines 1-4 and figure 2). Berstis further discloses a set of controls, i.e. keyboard/remote control 212, for controlling the operation of the audio file instructions (col. 6-lines-48-50). Berstis further discloses a pointer initiates the execution of the set up application in the system, which reads on activation by a triggering event, before the computer is setup (col. 6-lines 2-7).

Regarding **claim 3**, Berstis discloses everything claimed as applied above (see claim 1). Berstis further discloses the remote control includes a selection of options

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such as Go, Back, Menu, PgUp, PgDn, etc. It would have been obvious to one of ordinary skill in the art to provide these as well as other selections to allow the user an easy way to maneuver through the instructions (col. 4-lines 6-23).

Regarding **claim 4**, Berstis discloses everything claimed as applied above (see claim 1). Berstis further discloses the visual display of the sequence of numbers for the instruction that can be set by the set of controls (i.e. remote control) for the option to see the audio set up instructions visually (col. 6-lines 34-42).

Regarding **claim 6**, Berstis discloses a data processing unit 102, which reads on a computer (col. 3-lines 52-54), and an application for delivering audio set up instructions which are stored as sound files on the hard disk drive in the data processing unit, which reads on an audio assisted setup apparatus affixed to the computer component (col. 4-lines 38-40 and figure 2).

Regarding **claim 7**, Berstis discloses a data processing unit 102 that includes a motherboard, which further comprises motherboard 202 including a processor and memory, etc., which reads on a packing container capable of holding computer components and an application for delivering audio set up instructions which are stored as sound files on the hard disk drive in the data processing unit, which reads on an audio assisted setup apparatus affixed to the computer component (col. 4-lines 38-40 and figure 2).

Regarding **claim 9**, Berstis discloses a data processing unit 102 that includes a motherboard which further comprises motherboard 202 including a processor and memory, etc., which reads on a container capable of holding computer components and

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an application for delivering audio set up instructions which are stored as sound files on the hard disk drive, which reads on an audio assisted setup apparatus (col. 4-lines 38-40 and figure 2).

Regarding **claim 10**, Berstis discloses a data processing unit 102, which reads on a computer (col. 3-lines 52-54) and an application for delivering audio set up instructions which are stored as sound files on the hard disk drive in the data processing unit, which reads on an audio assisted setup apparatus (col. 4-lines 38-40 and figure 2).

Regarding **claim 11**, Berstis discloses a data processing system with a built in audio capability for providing audio setup and instructions (abstract). Berstis further discloses a data processing system 102, which includes a processor 204, speaker 224 and memory, which contains the audio set up instructions (col. 6-lines 1-4 and figure 2). Berstis further discloses a set of controls, i.e. keyboard/remote control 212, for controlling the operation of the audio file instructions (col. 6-lines 48-50). Berstis further discloses a pointer initiates the execution of the set up application in the system, which reads on activation by a triggering event, before the computer is setup (col. 6-lines 2-7).

Regarding **claim 13**, see Examiner's comments regarding claim 3.

Regarding **claim 14**, see Examiner's comments regarding claim 4.

Regarding **claim 16**, Berstis discloses a data processing system with a built in audio capability for providing audio setup and instructions (abstract), which reads on a self-contained apparatus containing a set of audio instructions. Berstis further discloses an application for delivering audio setup instructions which is executed by a pointer in the system initialization instructions, which reads on a triggering event for activating

apparatus (col. 6-lines 1-7). Berstis further discloses the remote controls allows the user to manipulate the audio instructions, via buttons such as Go, Back, Menu, PgUp or PgDn, etc. (col. 4- lines 38-40).

Regarding **claim 18**, Berstis further discloses the option of including additional optional components, which would require additional instructions for setting up the optional components as well (col. 6-lines 43-50).

Regarding **claim 19**, Berstis further discloses allowing the user to repeat an instruction by going "Back" to the previous selection (col. 4-lines 15-17).

Regarding **claim 20**, Berstis discloses allowing the user to select ("Go") the desired option or ("Back") return to the previous selection which allows the user to view the instructions at their own speed and reads on the claimed limitation, allowing the user to adjust the speed of presentation of the audio instructions (col. 4-lines 12-20).

Regarding **claim 21**, Berstis discloses a menu button which allows the user to access a menu of options as well as a home button to return to the default display of options, which therefore allows the user to begin hearing the audio instruction again from the beginning (col. 4-lines 15-20).

Regarding **claim 22**, see Examiner's comments regarding claim 4.

Regarding **claim 23**, Berstis discloses a data processing system 102, which reads on a computer (col. 3-lines 52-54), with a built in audio capability for providing audio setup and instructions (abstract).

Regarding **claim 24**, see Examiner's comments regarding claim 18.

Regarding **claim 25**, see Examiner's comments regarding claim 19.

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Regarding **claim 26**, see Examiner's comments regarding claim 20.

Regarding **claim 27**, see Examiner's comments regarding claim 21.

Regarding **claim 28**, see Examiner's comments regarding claim 22.

Regarding **claim 31**, Berstis discloses a data processing system 102, which reads on a computer (col. 3-lines 52-54), with a built in audio capability for providing audio setup and instructions (abstract).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis et al. (US Patent No. 5,903,206) in view of Eatwell et al. (US Patent No. 5,828,768).

Regarding **claim 2**, Berstis discloses everything claimed as applied above (see claim 1). Berstis disclose the data processing unit 102, which reads on a computer (col. 3-lines 52-54), with a built in audio capability for providing audio setup and instructions includes a speaker 224 (abstract and see figure 2). Berstis fails to specifically point out the particulars of the speaker. However the Examiner maintains that piezoelectric speakers are often used with computers. Eatwell et al. (hereinafter, "Eatwell") discloses the integration of piezoelectric speaker panels into a computer (abstract). It would have

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been obvious to one of ordinary skill in the art to modify Berstis with Eatwell, by incorporating piezoelectric speakers, for the purpose of reducing the size and weight of the data processing system in order to provide user greater ease in setting up the system as well as providing a smaller system for the convenience of placement of the system.

Regarding **claim 12**, see Examiner's comments regarding claim 2.

Response to Arguments

5. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues the previous reference cited failed to provide inherency for a processor or provide audio setup instructions for a computer. The Examiner provides a new reference for the rejection above which includes a data processing unit which reads on a computer and includes a processor and memory and an application for delivering audio set up instructions which are stored as sound files on the hard disk drive in the data processing unit,

Conclusion

6. Claim 32 is allowed.

7. Claims 5, 8, 15, 17, 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

VanBuskirk et al. (US Patent No. 6,075,534) discloses a multiple function graphical user interface minibar for speech recognition.

Davis et al. (US Patent No. 5,687,334) discloses a user interface for configuring input and output devices of a computer.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. McChesney whose telephone number is (703) 308-4563. The examiner can normally be reached Monday – Friday, 8:00 am – 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

EAM *EAM*
June 1, 2004

XU MEI
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PRIMARY EXAMINER